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Notice of Allowability

Application No.

10/798,475

Examiner

Stephen W. Smoot

Applicant(s)

DING, YI

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2813

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment received on 16 January 2007.
2. ☒ The allowed claim(s) is/are 1-12 and 28-51.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Stephen W. Smoot

Stephen W. Smoot
Patent Examiner
Art Unit 2813

This Office action is in response to applicant's amendment received on 16 January 2007.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Shenker on 28 February 2007.

2. The application has been amended as follows:

In the Claims:

In claim 40, line 3, change "second floating" to --second conductive--; and

In claim 44, line 1, change the claim dependency from "Claim 44" to --Claim 43--.

3. The terminal disclaimer received on 16 January 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the

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expiration date of US Patent Number 7,148,104 has been reviewed and is accepted.

The terminal disclaimer has been recorded.

4. The declarations received on 16 January under 37 CFR 1.131, demonstrating conception of the applicant's invention on or before 10 December 2003 and reasonable diligence from 10 December 2003 to the date of constructive reduction to practice (10 March 2004), are sufficient to overcome the Mokhlesi et al. (US 7,049,652) reference.

5. Claims 1-12, 28-51 are allowed.

6. The following is an examiner's statement of reasons for allowance:

- Claims 1-12, 38-51 are allowed because the prior art of record does not teach or suggest, in combination with the other claim limitations, a method for manufacturing an integrated circuit that includes forming plural first conductive gates, plural conductive floating gates, and plural second conductive gates corresponding to nonvolatile memory cells, wherein the first conductive gates as formed are spaced from each other and are not electrically interconnected, combined with the step of forming at least one conductive line to electrically interconnect two or more of the first conductive gates; and
- Claims 28-37 are allowed because the prior art of record does not teach or suggest, in combination with the other claim limitations, a method for manufacturing an integrated circuit that includes nonvolatile memory cells with

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each memory cell having a conductive floating gate and a first conductive gate insulated from each other, combined with the step of forming first gate structures protruding above a semiconductor substrate and overlying at least one active area, wherein each first gate structure includes at least one first conductive gate, combined with the step of forming a conformal layer over the first gate structures, wherein each floating gate includes a portion of the conformal layer, and combined with the step of isotropically etching the conformal layer to remove it from over at least a portion of each first gate structure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen W. Smoot whose telephone number is 571-272-1698. The examiner can normally be reached on M-F (8:00 am to 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead, Jr. can be reached on 571-272-1702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SWS